



City of Vista

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SAN DIEGO
COUNTY GRAND JURY

August 9 2010

Presiding Judge
San Diego Superior Court
Main Courthouse
220 West Broadway
San Diego, CA 92101

Re: Grand Jury Report: "Medical Marijuana in San Diego"

Honorable Presiding Judge:

This letter responds to the Grand Jury report referenced above dated June 7, 2010. It is sent on behalf of the City of Vista in compliance with Penal Code § 933(c).

Item	Response	Action
10-117	Disagree.	<p>Proposition 19 on the November 2010 statewide ballot has the potential to completely rewrite state law on the subject of marijuana in general. If enacted it will impact local government's powers of land use and taxation as they relate to the regulation of marijuana. It appears to the City of Vista that an effort to establish new programs related to the licensing, regulation and monitoring of medical marijuana would be premature prior to the results of the November election. Further, as noted in the Grand Jury's report, the case of <i>Qualified Patients Association v. City of Anaheim</i> is expected to provide further guidance to local government concerning medical marijuana dispensaries, and any actions taken or not taken by the city prior to a final decision in that case may be preempted by its conclusions.</p> <p>The city has not identified any regulatory system for the "cost-neutral" licensing, regulation and inspection of dispensaries. The city has expended considerable law enforcement and legal effort and expense to deal with the sexual misconduct problems presented by storefront massage establishments in the city. We believe that dispensaries would present a far greater</p>

		<p>regulatory challenge since there is no obvious means of regulating their conduct. Unlike alcohol, there is no mechanism for tracking or controlling inventory which is, at least in part, likely to be unlawfully produced. Without verifiable inventory controls there can be no way of verifying receipts, expenses, tax obligations, or that product is sold only to qualified recipients.</p> <p>Accordingly, the recommendation will not be implemented because it is neither warranted nor reasonable.</p>
10-118	Agree.	<p>This recommendation was previously implemented. The City of Vista zoning laws do not allow medical marijuana establishments irrespective of their form or status.</p>
10-119	Disagree.	<p>This recommendation will not be implemented for the reasons set forth in the city's response to recommendation 10-117 above. Were the city to consider enactment of such an ordinance in the future, its implementation would require changes to the city's zoning ordinances following public hearings, not the recession of an existing moratorium or other "ban."</p>

The instructions accompanying the Grand Jury's report indicated that the city should respond through its city council (as to Items 10-117 through 10-119), and this letter is sent in conformity with those instructions.

Sincerely,



MORRIS B. VANCE
Mayor